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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,253	02/23/2004	Akihiro Mimoto	CFA00057US	8861

34904 7590 06/18/2008  
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION  
15975 ALTON PARKWAY  
IRVINE, CA 92618-3731

EXAMINER
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NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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06/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,253	<b>Applicant(s)</b> MIMOTO, AKIHIRO	
	<b>Examiner</b> TUAN H. NGUYEN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7,8,16,17,19 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 1-6,9-15,18,20-22, and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,8,16,17,19 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/24/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/08/2008 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 04/24/2008 has been considered by Examiner and made of record in the application file.

3. Claims 1-6, 9-15, 18, 20-22, and 24-26 are canceled.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2618

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8, 16-17, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scuilli (U.S PAT. 4,758,836) in view of Maclellan et al. (U.S PAT. 5,940,006 hereinafter "Maclellan") and further in view of Shimoji et al. (U.S PAT. 7,065,782 hereinafter "Shimoji").

Consider claims 7 and 16, Scuilli teaches a communication comprising: a transmitting device configured to transmit, to at least one other communication apparatus, an instruction signal instructing to transmit identification information to the communication apparatus (figs. 1, 3A and 3B col. 9 lines 8-44) wherein the at least one other communication apparatus, that received the instruction signal, generates power for operating itself, decodes a clock from the received instruction signal and generates M different random numbers, in response to receiving the instruction signal from the communication apparatus (figs. 1, 3A and 3B col. 9 lines 8-44, col. 7 lines 44-62 and col. 10 lines 38-41).

Scuilli does not explicitly show that a receiving device configured to receive identification information transmitted by the at least one other communication apparatus each time that the number of decoded clocks which is counted by the at least one other communication apparatus, matches each of the generated random numbers, after the transmitting device transmits the instruction signal.

In the same field of endeavor, Maclellan teaches a receiving device configured to receive identification information transmitted by the at least one other communication apparatus each time that the number of decoded clocks which is counted by the at least one other communication apparatus, matches each of the generated random numbers, after the transmitting device transmits the instruction signal (col. 12 lines 4-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a receiving device configured to receive identification information transmitted by the at least one other communication apparatus each time that the number of decoded clocks which is counted by the at least one other communication apparatus, matches each of the generated random numbers, after the transmitting device transmits the instruction signal, as taught by Maclellan, in order to provide the remote Tag selects, or is instructed, how many times it should repetitively transmit the second modulated signal and selects, or is instructed, over how many of the time slots following receipt of the first radio signal the remote Tag should repetitively transmit the second modulated signal.

Scuilli and Maclellan in combination, fail to teach a determining device configured to determine whether the receiving device has received the same identification information a plurality of times; and an outputting device configured to output the identification information received a plurality of times according to a determination result of the determining device.

However, Shimoji teaches a determining device configured to determine whether the receiving device has received the same identification information a plurality of times

(col. 45 lines 11-24); and an outputting device configured to output the identification information received a plurality of times according to a determination result of the determining device (col. 45 lines 11-24).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Shimoji into view of Scuilli and Maclellan in order provide digital broadcasting system which can achieve the effects of interactive reproduction of received image information in a two-way communication system using image information which is transmitted by a transmitter in a one-way communication system.

Consider claims 8 and 17, Scuilli further teaches the transmitting device transmits the transmission instruction signal again according to a determination result of the determining device (col. 14 lines 20-33).

Consider claims 19 and 23, Scuilli teaches a communication comprising: a receiving device configured to receive an instruction signal instructing to transmit identification information (figs. 1, 3A and 3B col. 9 lines 8-44); a power generating device configured to generate power for operating the communication apparatus from the instruction signal received by the receiving device (col. 7 lines 44-62 and col. 10 lines 38-41); a clock generating device configured to generate a clock from the instruction signal received by the receiving device (col. 7 lines 44-62 and col. 10 lines 38-41); a counting device configured to count the generated clock (col. 8 lines 26-50);

and a transmitting device configured to transmit identification information of the communication apparatus, each time a clock count obtained by the counting device matches one of the numbers generated by the number generating device (col. 5 lines 48-60).

Scuilli does not explicitly show that a determination device adapted to determine whether or not the number of clocks counted by the counting device matches one of the M different random numbers generated by the number generating device.

In the same field of endeavor, Maclellan teaches a determination device adapted to determine whether or not the number of clocks counted by the counting device matches one of the M different random numbers generated by the number generating device (col. 12 lines 4-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a determination device adapted to determine whether or not the number of clocks counted by the counting device matches one of the M different random numbers generated by the number generating device, as taught by Maclellan, in order to provide the remote Tag selects, or is instructed, how many times it should repetitively transmit the second modulated signal and selects, or is instructed, over how many of the time slots following receipt of the first radio signal the remote Tag should repetitively transmit the second modulated signal.

Scuilli and Maclellan in combination, fail to teach a number generating device configured to generate M different random numbers in response to receipt of the instruction signal.

However, Shimoji teaches a number generating device configured to generate M different random numbers in response to receipt of the instruction signal (col. 45 lines 11-24).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Shimoji into view of Scuilli and Maclellan in order provide digital broadcasting system which can achieve the effects of interactive reproduction of received image information in a two-way communication system using image information which is transmitted by a transmitter in a one-way communication system.

### ***Conclusion***

6. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building



401 Dulany Street  
Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Maung Nay A. can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/  
Examiner  
Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
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